

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PROBATION OFFICE

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August 24, 2020

The Honorable Richard Seeborg
United States District Judge

Re: U.S. v. David Mishler

Docket No: 0971 3:19CR00105-002 RS

**REQUEST TO CLARIFY THE HOME CONFINEMENT
COMPONENT OF THE COMPASSIONATE RELEASE ORDER**

Your Honor:

On September 10, 2019, the offender was sentenced by Your Honor to 12 months, one day custody; followed by three years of supervised release, for a violation of the following: Count One: Conspiracy to Commit Wire Fraud, 18 U.S.C. § 1349, a Class C Felony; Count Two: Wire Fraud, 18 U.S.C. § 1343, a Class C Felony; Count Six: Making and Submitting a False Tax Return, 26 U.S.C. § 7206(1), a Class E Felony.

The following special conditions of supervision were ordered: \$300 SA; cooperate with IRS; provide probation office with written proof of any IRS agreement; no new credit or debt; no position of fiduciary capacity; probation officer access to any financial information; no contact with co-defendant; search; and DNA. Supervision commenced on July 7, 2020.

On July 7, 2020, the Court modified Mr. Mishler's sentence of imprisonment to time served. It was further ordered that Mr. Mishler serve the remainder of his sentence of imprisonment as supervised release with the condition that he be subject to home confinement.

In effort to enforce the home confinement condition as intended by the Court, the probation office is requesting clarification as to the court's desired home confinement **component** – *curfew, home detention, or home incarceration* – and **technology** – *RF monitoring, GPS, or technology at the discretion of the probation officer*. The probation officer does not have the authority to determine the component or type of technology.

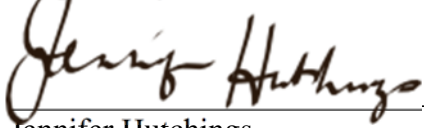
In addition, we need clarification on whether Mr. Mishler is subject to the mandatory, standard and special conditions of supervised release during the additional term of supervised release.

If you have any questions, please do not hesitate to contact me at (415) 264-3259. Thank you very much.

RE: Mishler, David
0971 3:19CR00105-002 RS

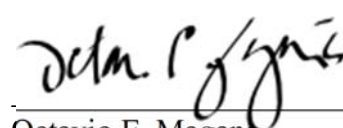
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Respectfully submitted,



Jennifer Hutchings
U.S. Probation Officer Specialist

Reviewed by:



Octavio E. Magana
Supervisory U.S. Probation Officer

While on home confinement, the defendant shall be subject to:

- ☐ Curfew
- ☒ Home Detention
- ☐ Home Incarceration
- ☐ Other

Home confinement will be monitored utilizing the following technology:

- ☒ Technology at the discretion of the probation
- ☐ Radio Frequency (RF) monitoring
- ☐ Global Positioning System (GPS)
- ☐ Other

During the additional time of Supervised, Mr. Mishler:

☒ IS subject to the mandatory, standard, and special conditions of Supervised Release, originally imposed on September 10, 2019.

☐ IS NOT subject to the mandatory, standard, and special conditions of Supervised Release, originally imposed on September 10, 2019.

August 24, 2020

Date



Richard Seeborg
United States District Judge